

1 Magistrate Judge Tsuchida  
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7 JAN 11 2011  
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9 AT SEATTLE  
10 CLERK U.S. DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 BY DEPUTY  
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14 UNITED STATES DISTRICT COURT  
15 WESTERN DISTRICT OF WASHINGTON  
16 AT SEATTLE  
17

18 UNITED STATES OF AMERICA, }  
19 Plaintiff, }  
20 v. }  
21 CHARLES TURNER HABERMANN, }  
22 Defendant. }  
23

24 CASE NO. MJ11-16  
25

26 COMPLAINT for VIOLATION  
27 Title 18, United States Code, Section  
28 115(a)(1)(B) and (b)(4)

29 BEFORE, Brian A. Tsuchida, United States Magistrate Judge, Seattle, Washington.

30 The undersigned complainant, being duly sworn, alleges:

31 **COUNT ONE**

32 **(Threatening a Federal Official)**

33 Beginning on or about December 9, 2010, and continuing until on or about  
34 December 10, 2010, within the Western District of Washington and elsewhere, the  
35 defendant, CHARLES TURNER HABERMANN, threatened to assault and murder a  
36 United States official, namely, Congressman James A. McDermott, with the intent to  
37 impede, intimidate, and interfere with such official while engaged in the performance of  
38 official duties, and with the intent to retaliate against such official on account of the  
39 performance of official duties.

40 All in violation of Title 18, United States Code, Section 115(a)(1)(B) and (b)(4).  
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## **AFFIANT'S TRAINING AND EXPERIENCE**

1. I am a Special Agent (“SA”) with the Federal Bureau of Investigation (“FBI”), and have been so employed since August 2004. I am currently assigned to the violent crime/organized crime squad in the Seattle, Washington office. As an FBI Special Agent, I have investigated a variety of violent crimes including cases involving threats of violence.

2. The facts in this Complaint consist of information I gathered and observed first-hand through the course of this investigation, as well as information related to me orally by other law enforcement personnel and through interviews of witnesses, and finally information obtained from reviewing reports written by other investigators working with me on this case. The information set forth in this affidavit is not intended to detail each and every fact and circumstance of the investigation or all information known to me or the investigative participants. Rather, this affidavit serves to establish that probable cause exists to believe that CHARLES TURNER HABERMANN committed the crime of Threatening a Federal Official, as alleged above.

## **EVIDENCE SHOWING PROBABLE CAUSE**

## A. Introduction

3. On December 10, 2010, the Seattle Division of the FBI was contacted by "D.N." District Director for United States Congressman James A. McDermott, 7th District of Washington. I talked on the phone with D.N., who told me that, over the previous night, a man who identified himself as CHARLES HABERMANN had left two voicemail messages at Congressman McDermott's Seattle office. The Seattle office is located at 1809 7th Avenue, Suite 1212, in Seattle, Washington. D.N. said that these messages were left at approximately 12:00 a.m. on December 10, 2010, and that the caller had made specific death threats to Congressman McDermott and his family on the voicemail messages. D.N. said that the caller was upset by Congressman McDermott's stance on the tax legislation that was being debated in the U.S. House of Representatives.

4. The timing of the threatening voicemail messages left by HABERMANN

1 coincided with the debate in the U.S. House of Representatives over a tax and  
 2 unemployment insurance bill that was eventually passed by the United States Congress  
 3 and signed into law by the President of the United States on December 17, 2010. As  
 4 detailed below, HABERMANN admitted to leaving the messages and claimed that he was  
 5 angry about the Congressman's stance on the pending tax legislation.

6 **B. The Recorded Voicemail Messages Left by HABERMANN**

7 5. On December 10, 2010, I interviewed "J.M.," a staff member for  
 8 Congressman McDermott, and the first person from Congressman McDermott's office to  
 9 listen to the voicemail messages left by HABERMANN. J.M. allowed me to listen to and  
 10 record the voicemail messages left on the office voicemail system. During the first  
 11 message, which the voicemail system indicated had been received on December 10, 2010,  
 12 at 12:00 a.m., HABERMANN made the following statements:

13 Hey I was going to McDermott my name's Charles uh, Habermann, uh my number  
 14 is 312-59 uh, 312 or 590-3828. I was calling Jim McDermott because I saw him  
 15 on television the other night and I realized what a disgusting, filthy, murderous  
 16 cock-sucker he was. What a criminal was, the idea that he said that uh, poor  
 17 people's uh, money, poor people's money that the Government gives belongs to  
 18 him. That, that, that reducing taxes on rich people is, is in effect a tax cut in  
 19 effect, it effected the Government spending program. Jim, Jim McDermott's uh,  
 20 theft of tax payer dollars, the less he steals, means that the, that the less the  
 21 Government spends. Uh, I, I, I'd like to remind you McDermott that if you read  
 22 the constitution all the money belongs to the people. None of it belongs to  
 23 Government. Okay! So, if Jim McDermott says they're spending money on a tax  
 24 cut, he's a piece of human dog shit, okay. He's a piece of human filth. He's a liar,  
 25 he's a communist, he's a piece of fucking garbage. Thomas Jefferson, James  
 26 Madison, or George Washington, Alexander Hamilton, if any of them had ever met  
 27 uh, uh Jim McDermott, they would all blow his brains out. They'd shoot him, in  
 28 the head. They'd kill him, because he's a piece of, of, disgusting garbage. He's  
 a piece of filth. He's a criminal. He advocates stealing people's money to give it to  
 losers. That's a criminal conspiracy to commit fraud, okay. That is what the  
 majority of the democratic party engage in every day of every week of every  
 fucking year because they're scum bags. They are disgusting filthy fucking scum  
 bags. And you let that fucking scum bag know, that if he ever fucks around with  
 my money, ever the fuck again, I'll fucking kill him, okay. I'll round them up, I'll  
 kill them, I'll kill his friends, I'll kill his family, I will kill everybody he fucking  
 knows. Alright! So if you want to fuck with me, you go ahead but you let that  
 fucker know, the next time he fucks around, I'll kill him, okay! Good night and  
 good bye, you fucker.

27 6. During the second voicemail message, which the voicemail system  
 28 indicated had been received on December 10, 2010, at 12:10 a.m., HABERMANN made

1 the following statements:

2 My name is Charles Char Habermann, my phone number is 312-590-3828. I'm  
 3 calling because your congressman is a piece of human garbage. Um, I'm calling  
 4 because your congressman is, is a communist. I'm calling because your  
 5 congressman is a piece of filth. Um, does he understand when he says that they're  
 6 giving money to tax breaks for rich? Does he understand that, that the wealthy  
 7 people that, that's their money? They earn that money. Has he ever read  
 8 "Federalist Paper Number Ten"? Has he ever read John Lock's "Second Treaties  
 9 of Government"? Has he ever read the of property section of John Lock's "Second  
 10 Treaties of Government"? No, probably not because he's not an intellectual, he  
 11 doesn't understand the rules and the political theory that set up the basis for our  
 12 Government. That's why he thinks he can steal money from people and give it  
 13 away to losers and get away with it. Well guess what, you're crooked, criminal,  
 14 cock-sucking Jim McDermott will never get away with it. And I'll tell you  
 15 something right now, I'll fucking hunt that guy down and I'll fucking get rid of  
 16 him. Do you understand that? I'll get the fuck rid of him. I'll pay people, I'll pay  
 17 my friends, I, I grew up in Chicago just like your scum bag fucking Jim  
 18 McDermott did. I grew up in downtown Chicago, you understand that? Does,  
 19 does your fucking boy understand that? I grew up in Chicago just like him. But  
 20 guess what, I'm not a criminal like he is, I'm not a thief like he is. I don't steal  
 21 other people's money to give it to losers like he does. Your congressman, Jim  
 22 McDermott is a piece of garbage. And I'll tell you something right now, garbage  
 23 belongs in the trash that's exactly where he's gonna end up. You understand that?  
 24 You understand it you fuckers? You worthless stupid Democrat cock-sucking  
 25 fuckers. You think you can steal my money and get away with it? You think  
 26 you're gonna steal my fucking money and get away with it, you fuckers. You  
 27 people are criminal scum bags and I ha, I hate you. I hate Jim McDermott. I have  
 28 your friends, I hate his family, I hate his kids, I hate every, everybody fuck...do you  
 know, I could round them all up, you know, I could look for them. I got a lot of  
 money, you understand? I got a lot of money and I got a lot of friends and that  
 cock-sucker is going down, you understand it? Your cock-sucking loser is going  
 down, and guess what, tell your fagot fucking friend, I'm from Chicago too, and I  
 fucking take care of his ass. Good bye, mother fucker!

7. Based on a review of telephone records I received from Sprint/Nextel  
 Corporation, the subscriber to telephone number (312) 590-3828, an active cellular  
 telephone account with Sprint/Nextel Corporation, was "Charlie Habermann" of Palm  
 Springs, California. These records also revealed that telephone number (312) 590-3828  
 had placed multiple outgoing calls to telephone number (206) 553-7170, the publicly  
 listed telephone number for Congressman McDermott's Seattle office, on the evening of  
 December 9, 2010. These calls included a call to Congressman McDermott's office at  
 10:54 p.m. that lasted 247 seconds, and another call to Congressman McDermott's office  
 at 11:04 p.m. that lasted 269 seconds. The duration of the calls and the time lapse  
 between the calls are consistent with the threatening voicemail messages described above.

1 I also believe the dates and times listed in the telephone records to be the accurate dates  
 2 and times of the calls as opposed to the date and time stamps for the calls recorded by  
 3 Congressman McDermott's office voicemail system. This was corroborated by a test of  
 4 the Congressman's voicemail system conducted on December 21, 2010, that showed that  
 5 time stamp on the voicemail system was approximately one hour and two minutes ahead  
 6 of the actual time.

7 **C. Interview of HABERMANN**

8 8. On December 10, 2010, HABERMANN was interviewed by FBI Special  
 9 Agents at his home in Palm Springs, California, about the voicemail threats. The agents  
 10 told HABERMANN that he was not under arrest and that the interview was voluntary.  
 11 HABERMANN admitted to leaving the threatening voicemail messages for Congressman  
 12 McDermott the previous night. Although HABERMANN said that he had been drinking  
 13 alcohol before he made the calls, he said he was "functioning" when he made the calls.  
 14 HABERMANN said that he thought he would have been able to drive his car when he  
 15 made the calls. HABERMANN was allowed to listen to the voicemail messages during  
 16 the interview. HABERMANN said that he remembered making the calls and that it was  
 17 his voice on voicemail messages. HABERMANN was also allowed to listen to a  
 18 voicemail message left on the voicemail system for U.S. Congresswoman C.P. the  
 19 previous night. HABERMANN admitted that this was also a voicemail message he had  
 20 left the previous night.

21 9. As for his motivation for leaving the voicemail messages, HABERMANN  
 22 said he was calling politicians to let them know that what they were doing and saying  
 23 regarding spending taxpayer's money was wrong. He said he was trying to scare them  
 24 before they spent money that didn't belong to them. HABERMANN admitted to going on  
 25 the internet to obtain Representative McDermott and Representative C.P.'s telephone  
 26 numbers. HABERMANN also admitted to being visited by the California Highway  
 27 Patrol earlier in 2010 after leaving a threatening message on a California State Assembly  
 28 member's voicemail system. HABERMANN said that he left that message because he

1 was upset about the Healthcare bill that was passed at that time.

2       10. HABERMANN stated that he never had any intention of hurting anyone,  
 3 and that he had too much to lose -- referring to his \$3,000,000 trust fund -- to ever do  
 4 anything which could get him sent to prison.

5 **D. HABERMANN'S Prior Threat**

6       11. On March 23, 2010, a California Assembly Member received two voicemail  
 7 threat messages from HABERMANN. In the first voicemail message, HABERMANN  
 8 threatened to kill the Assembly Member. The second voicemail message started out with  
 9 HABERMANN saying that he wasn't going to kill anyone. HABERMANN went on to  
 10 say that the Assembly Member should "watch his back." HABERMANN also said that  
 11 the founding fathers, if they were alive today, would kill President Obama and other  
 12 officials. The State of California, Department of California Highway Patrol ("CHP"),  
 13 Dignitary Protection Section was notified of the threats.

14       12. CHP learned that HABERMANN came into the Assembly Member's office  
 15 on March 18, 2010, to discuss the current health care bill. During the meeting  
 16 HABERMANN began ranting about the current federal health care bill and how  
 17 HABERMANN was "very well off" and did not want to support immigrants and Latinos.  
 18 HABERMANN was described as agitated, paranoid, uneasy and couldn't keep still.  
 19 After the meeting concluded, HABERMANN was escorted out of the office and  
 20 continued to act uneasy, looking over his shoulders in a paranoid manner.

21       13. On March 24, 2010, HABERMANN was contacted by the CHP at his  
 22 apartment in Palm Springs, California, about the threat messages. HABERMANN  
 23 apologized for the voice messages. HABERMANN stated he was intoxicated and had  
 24 smoked marijuana when he left the voicemails, causing him to act irrationally.  
 25 HABERMANN admitted to using medical marijuana for his depression and said he  
 26 would never do anything to jeopardize his freedom. CHP gave HABERMANN a  
 27 warning.

## **CONCLUSION**

14. Based on the foregoing, I respectfully submit that there is probable cause to believe that CHARLES TURNER HABERMANN committed the offense of Threatening a Federal Official, in violation of Title 18, United States Code, Sections 115(a)(1)(B) and (b)(4).

Dean W. Giboney  
DEAN W. GIBONEY, Special Agent  
Federal Bureau of Investigation

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe that the defendant committed the offense set forth in the Complaint.

Dated this 11 day of January, 2011.

**HON. BRIAN A. TSUCHIDA**  
United States Magistrate Judge